



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
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Washington, D.C. 20536



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prevent identity and/or racial  
invasion of personal privacy**

FILE:

EAC 01 274 54215

Office: Vermont Service Center

Date:

**JAN 10 2003**

IN RE: Applicant:



APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. 1254

IN BEHALF OF APPLICANT: Self-represented

**INSTRUCTIONS:**

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont Service Center. A subsequent appeal was summarily dismissed by the Associate Commissioner for Examinations. The matter is now before the Associate Commissioner on a motion to reopen. The motion will be dismissed.

The applicant is a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1254a.

The director denied the application after determining that the applicant failed to submit any evidence to establish that he met the qualification for late initial registration during the period January 5, 1999 to August 20, 1999.

Upon review of the record of proceeding, the Associate Commissioner determined that the applicant had failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal. He further determined that the applicant did not address the issue of eligibility for late registration. He, therefore, summarily dismissed the appeal.

On motion, the applicant states only that he would like to reopen his case. He submits additional evidence of his residence in the United States.

Pursuant to 8 C.F.R. 103.5(a)(2), a motion to reopen must state the new facts to be proved at the reopened proceedings and be supported by affidavits or other documentary evidence. A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. 103.5(a)(4).

The applicant submits a monthly rental agreement dated April 1, 2002; a statement from [REDACTED] dated July 13, 2002, stating that she is the applicant's fiancée and they have been living together for one year and six months; an affidavit of support and other documents pertaining to Ms. [REDACTED]. The applicant, however, neither addressed nor submitted evidence to establish that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999.

The applicant states no new facts to be proved in his motion, nor did he furnish evidence to establish that he met the qualification for late registration. Accordingly, the motion will be dismissed.

**ORDER:** The motion is dismissed.